

### **REMARKS**

By this Amendment, Applicant amends claims 1, 15, 18, 21, 22, 30-35, 45, 50, and 55 to more appropriately define the invention. Support for the amendments is found in the specification at least beginning at page 32 through page 35. Claims 1-11 and 13-61 remain pending in this application.

In the Office Action, the Examiner rejected claims 1, 15, 18, 21, 22, and 30-35 under 35 U.S.C. § 112, first paragraph, as alleging containing new matter; rejected claims 1, 15, 18, 45, 50, and 55 under 35 U.S.C. § 103(a) as obvious over Miyamoto et al. (U.S. Patent No. 6,139,433) in view of Best (U.S. Patent No. 5,358,259); and rejected claims 2-11, 21-24, and 26-35 under 35 U.S.C. § 103(a) as obvious over Miyamoto in view of Best and further in view of Kami et al. (U.S. Patent No. 5,853,324). The Examiner also allowed claims 13, 14, 16, 17, 19, 20, 25, 36-44, 46-49, 51-54, and 56-61. Applicant thanks the Examiner for the indication of allowable subject matter in this application.

Applicant respectfully traverses the rejection of claims 1, 15, 18, 21, 22, and 30-35 under 35 U.S.C. § 112, first paragraph. In an effort to expedite prosecution, Applicant has deleted the phrase “such that the action can differ between identical sets of circumstances, identical sets of evaluations/determinations, or identical factors of behavior” from claims 1, 15, 18, 21, 22, and 30-35, without prejudice or disclaimer. Accordingly, the Examiner should withdraw the rejection of claims 1, 15, 18, 21, 22, and 30-35 under 35 U.S.C. § 112, first paragraph.

Applicant respectfully traverses the rejection of claims 1, 15, 18, 45, 50, and 55 under § 103(a) as obvious over Miyamoto in view of Best. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, the prior art reference (or

references when combined) must teach or suggest all the claim elements. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Third, there must be a reasonable expectation of success. See M.P.E.P. § 2143.

Applicant provided a description of Miyamoto in the Amendment filed December 29, 2003 and incorporate that description by reference to it here. As Applicant previously pointed out, Miyamoto fails to teach or suggest the combination recited in Applicant's claim 1 including at least the claimed "artificial intelligence processing means." More particularly, Miyamoto fails to disclose or suggest the combination of features recited in claim 1, as amended, including at least the claimed "artificial intelligence (AI) processing means" that "calculates emotional factors based on the circumstances of said virtual three-dimensional space, wherein the emotional factors control behavior of the movable body."

Furthermore, Best fails to cure the deficiencies of Miyamoto. As Applicant explained in the Amendment filed December 29, 2003, Best merely teaches a video game which takes the form of a branching story that simulates dialogue between two or more on-screen characters and two or more human game players. (Column 3, lines 15-18) Best teaches two types of branching, mainly dialogue and scene branching. Dialogue branching allows the player to select alternative verbal responses of an on-screen character. (Column 9, lines 15-16) Scene branching permits alternative scene changes based upon a player's choice. (Column 9, lines 19-23) In Best, the on-screen character's actions and responses are based on the player's selection of a set of

predetermined choices presented throughout the progression of the game. Based on the disclosure of Best, it appears that all responses by the game to the player's selection among the player's choices are solely determined by the player's choice. For example, the Examiner cited Best at col. 8, lines 25-55, on pages 4 and 9-10 of the Office Action. In that section of Best, during a game sequence, a woman's voice says, "Please help me! My mother's trapped in the car!" The game then displays two or more alternative responses from which a human player makes a selection. When the human player selects a response (such as "Pry the door open"), the animated sequence continues showing the same burning car scene and the woman's voice answers, for example, "I tried to, but I can't get it open." See Best, col. 8, lines 25-55. Accordingly, as taught by Best, game character responses are based on a player's selection.

The Best system's determination based solely on a player's selection fails to disclose or suggest Applicant's claimed combination including "artificial intelligence processing means . . . wherein the emotional factors control behavior of the movable body," as recited in claim 1. Since the combination of Miyamoto and Best fails to disclose or suggest all of the features of Applicant's claim 1, Applicant respectfully requests the Examiner to withdraw the rejection and allow claim 1.

Independent claims 15, 18, 45, 50, and 55, while of a different scope, include recitations similar to those discussed above in connection with allowable claim 1. Accordingly, for at least the above reasons, Applicant respectfully requests the Examiner to withdraw the rejection and allow claims 15, 18, 45, 50, and 55.

Applicant respectfully traverses the rejection of claims 2-11, 21-24, and 26-35 under § 103(a) as obvious over Miyamoto in view of Best and further in view of Kami.

Kami fails to overcome the above noted deficiencies of Miyamoto and Best. In particular, Kami does not disclose or suggest that "emotional factors control behavior of the movable body," as recited in Applicant's amended independent claim 1. Independent claims 15, 18, 21, 22, and 30-35, while of a different scope, also include recitations similar to that of claim 1. Applicant therefore submits that these claims as well as claims 2-11 that depend from claim 1 and dependent claims 22, 23 and 26-29 that depend from one of the allowable independent claims are also in condition for allowance.

### **CONCLUSION**

In view of the foregoing remarks, Applicant submits that the claimed invention is not obvious in view of the prior art cited against this application. Applicant therefore requests the Examiner's reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: December 15, 2004

By: Anthony Zuhli Reg. No. 53,232  
for Richard V. Burgujian  
Reg. No. 31,744